THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10288 OF 2006

17.08.2006

Between:

Polisetty Adikesavulu Setty, S/o.Muniswamy Setty

… Petitioner

AND

The District Collector, Chittoor District
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10288 OF 2006

ORDER:

The instant writ petition is filed seeking a writ of Mandamus declaring the action of the third respondent, namely, the Mandal Revenue Officer, Tirupathi Rural Mandal (MRO), in entering into the land admeasuring Acs.4.00 situated in survey No.451/4 of Tiruchanur Village of Tirupathi Rural Mandal in Chittoor District premises and threatening to demolish the sawmill situated therein, as illegal and arbitrary.

The brief fact of the matter is as follows. The land admeasuring Acs.4.00 in survey No.451/4 situated at Tiruchanur Village is inam land. One Archekam Sarojanamma purchased the property under registered sale deed dated 07.7.1962 from one K.Krishnama Charyulu. Later she sold the property to Muniswamy Setty, father of the petitioner. The petitioner alleges that after death of the father, there was family partition on 10.10.1969 in which the land admeasuring Acs.4.00 in survey No.451/4 fell to his share and, therefore, got his name mutated in the revenue records. The petitioner also alleges that he constructed sawmill in survey No.451/4 and later leased it out to Sivachari. The petitioner allegedly made a representation under Section 7(1) of A.P. (Andhra Area) Inams (Abolition and Convertion into Ryotwari) Act, 1956 (the Act, for brevity), to the second respondent for grant of ryotwari patta and the same is pending. However, the third respondent allegedly threatened to enter into the premises and demolish the sawmill. Hence the present writ petition is filed.

At the stage of admission itself, counter affidavit is filed by the Mandal Revenue Officer, Tirupathi Rural Mandal (MRO). It is stated that Tiruchanur Village is a minor inam village, which was surveyed in 1967, and the Inams Deputy Tahsildar, Chittoor, second respondent herein, issued notice under Section 3(1) of the Act declaring the land in survey No.451/4 to an extent of Acs.2.25 as river poramboke, under Section 3(3) read with 2A of the Act. The decision was also published in the District Gazette dated 03.9.1984, which was not challenged by anybody. It is also stated that when the petitioner made attempt to plant stone pillars in river Swarnamukhi poramboke, the MRO obstructed the same and that there is no proposal to allot the land for

tourist bus stand. However, in paragraph 6 of the counter affidavit, the MRO admits that the application made by the petitioner in IDT No.268 of 1997 for grant of ryotwari patta is pending. It is however alleged that the petitioner made representation in respect of the land admeasuring Acs.4.00 in survey No.450 but not survey No.451/4.

The counter affidavit was filed on 25.7.2006, learned Counsel for the petitioner sought time for filing reply affidavit. Accordingly the matter was adjourned. Again on 01.8.2006 and on 09.8.2006, learned Counsel for the petitioner sought time for filing reply affidavit. The matter was, therefore, adjourned to this date finally. In spite of the same, the petitioner has not filed reply affidavit denying the counter averments.

As per the counter affidavit, the application made by the petitioner is in respect of the land admeasuring Acs.4.00 in survey No.450. This itself would belie the contention of the petitioner that he made application for grant of ryotwari patta for the land admeasuring Acs.4.00 situated in survey No.451/4. It is also doubtful whether the petitioner constructed sawmill in survey No.451/4 especially when he asserts that in the family settlement in 1969 the land admeasuring Acs.4.00 situated in survey No.450 fell to his share and in the said land, he constructed sawmill. If that is the case, the petitioner ought to have made an application for ryotwari patta for the land in survey No.451/4 but curiously he made application for ryotwari patta for the land in survey No.450. Therefore, this Court holds that the writ petition is filed on incorrect statements and, therefore, the same cannot be entertained. As the application is pending before the second respondent, the petitioner may approach the second respondent and seek redressal. In this writ petition, no relief can be granted.

The writ petition, with the above observation, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

August 17, 2006
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